



February 11, 2003

Country of Origin Labeling Program
Agricultural marketing Service
USDA Stop 0249, Room 2092-S
1400 Independence Ave., S.W.
Washington, D.C. 20250-0249

To Whom It May Concern:

Re: Docket No. LS-02-16, Notice of Request for Emergency Approval of a New Information Collection

The U.S. Apple Association (USApple) is the national trade association representing all segments of the apple industry. Members include 40 state and regional apple associations representing the 9,000 apple growers throughout the country, as well as more than 400 individual firms involved in the apple business. USApple appreciates this opportunity to comment on the U.S. Department of Agriculture's (USDA) estimate regarding the cost of implementing country of origin labeling of fruits and vegetables.

USApple believes the department's cost estimate for implementation of country of origin labeling for fruits and vegetables is greatly overestimated, because its calculation assumes the establishment of a new record keeping system and ignores our industry's utilization of a current record keeping mechanism that could easily be used for country of origin labeling verification.

The Farm Security and Rural Investment Act of 2002 requires producers to provide information to retailers, but it does not specifically direct producers to maintain records. USDA's cost estimate implies that producers must keep records on the origin of the products they produce. Since the statute did not specifically require producers to implement a record keeping system to comply with the statute, USDA's inclusion of a producer record keeping system overly inflates the estimated cost of compliance.

The Perishable Agricultural Commodities Act (PACA) already requires produce distributors to maintain records to verify sales transactions. These records already contain information regarding the source of fruits and vegetables, or the records could easily be modified to verify the origin of fruits and vegetables if necessary. The department greatly exaggerates the cost of country of origin labeling by ignoring this currently existing mechanism while estimating the cost of developing a new verification system.

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Additionally, USApple urges USDA to reconsider its decision not to allow state or regional designations to qualify as a country of origin designation. Allowing state or regional designations would eliminate a significant and unnecessary country of origin implementation cost to retailers and producers, since the majority of apples already bear labels with state or regional designations. Therefore, USApple suggests that the agency's mandatory country of origin labeling guidelines state that labels indicating origin in a state or region of the United States be considered sufficient compliance for a retailer under the program.

USApple urges USDA to find practical and creative ways to implement country of origin labeling to minimize the cost to producers, food handlers and retailers. Such an approach would compel the agency to establish innovative policies that facilitate implementation of country of origin labeling, and to utilize existing programs for verification.

A cost-effective and practical approach to implementation will also minimize the potential development of unintended consequences, which may arise if the agency applies a rigid implementation approach that greatly increases the cost of compliance.

Please contact me by telephone at (703) 442-8850 or via e-mail at jcranney@usapple.org should you have any questions or require additional information.

Sincerely yours,



James R. Cranney, Jr.
Vice President

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